

PINNOCK & WAKEFIELD, A.P.C.

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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**ORGANIZATION FOR THE
ADVANCEMENT OF MINORITIES
WITH DISABILITIES SUING ON
BEHALF DAVID SINGLETARY AND
ITS MEMBERS; and DAVID
SINGLETARY, An Individual,**

Plaintiffs,

v.

**RAMADA LIMITED - DOWNTOWN;
RAMADA FRANCHISE SYSTEMS,
INC.; SUMATI I PATEL-PAREEK;
VARSHA I PATEL; PATEL,
DAHAYABHAI R
(TRUSTEE/CONSERVATOR);
PATEL, SHANTABEN D
(TRUSTEE/CONSERVATOR),
LIVING TRUST;**

And

DOES 1 THROUGH 10, Inclusive,
Defendants.

Case No.: C 04-03388 PJH

**PLAINTIFFS' EX-PARTE
MOTION TO CONTINUE THE
DATE OF THE CASE
MANAGEMENT CONFERENCE
AND ORDER THEREON**

Date: September 1, 2005

Judge: HON. PHYLLIS HAMILTON

Courtroom: 3, 17TH FLOOR

COMES NOW Attorney Theodore A. Pinnock, attorney for the Plaintiffs, who hereby applies to the Court for an Order to continue the Case Management Conference beyond September 1, 2005, at which the date set for the Case Management Conference. Plaintiffs attorney is respectfully requesting a continuance of the Case Management Conference to October 13, 2005 at 2:30 pm to give Plaintiffs addition time to file a First Amended Complaint and to enable Defendants additional time to respond and to try to facilitate settlement. Upon request of the Court, Plaintiffs are filing said Ex Parte Motion to appraise the Court that Defendants of the current situation and is respectfully requesting the continuance.

CivL rule: 6-3. Motion to Change Time.

(a) Form and Content . A motion to enlarge or shorten time may be no more than 5 pages in length and must be accompanied by a proposed order and by a declaration that:

- (1) Sets forth with particularity, the reasons for the requested enlargement or shortening of time;
- (2) Describes the efforts the party has made to obtain a stipulation to the time change;
- (3) Identifies the substantial harm or prejudice that would occur if the Court did not change the time; and
- (4) If the motion is to shorten time for the Court to hear a motion:
 - (i) Describes the moving party's compliance with Civil L.R. 37-1(a), where applicable, and
 - (ii) Describes the nature of the underlying dispute that would be addressed in the motion and briefly summarizes the position each party had taken.
- (5) Discloses all previous time modifications in the case, whether by stipulation or Court order;
- (6) Describes the effect the requested time modification would have on the schedule for the case.

(b) Delivery of Motion to Other Parties . A party filing a motion to enlarge or

1 shorten time must deliver a copy of the motion, proposed order and supporting
2 declaration to all other parties on the day the motion is filed.

3
4 **GOOD CAUSE EXISTS TO CONTINUE THE CASE MANAGEMENT**
5 **CONFERENCE** in this matter as it will allow all Parties to try to facilitate and
6 engage into efficient settlement negotiations and to enter into a complete settlement
7 of this matter. Plaintiffs Counsel did not procure the execution of the Stipulation
8 required by CivL rule 6.3 because Plaintiffs have not been able to solidify the proper
9 Defendants in this action, however, Plaintiffs are in the process of obtaining a
10 stipulation to file a First Amended Complaint to name the proper Defendants and
11 continue to try to engage in settlement negotiations.

12 For the reasons outlined above, Plaintiffs' Counsel respectfully requests the
13 Case Management Conference in this matter be continued to October 13, 2005 at
14 2:30 p.m..

15 Respectfully submitted:

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17 **PINNOCK & WAKEFIELD**

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19 Dated: August 26, 2005

20 By: 

21 Theodore A. Pinnock, Esq.
22 Attorney for Plaintiffs
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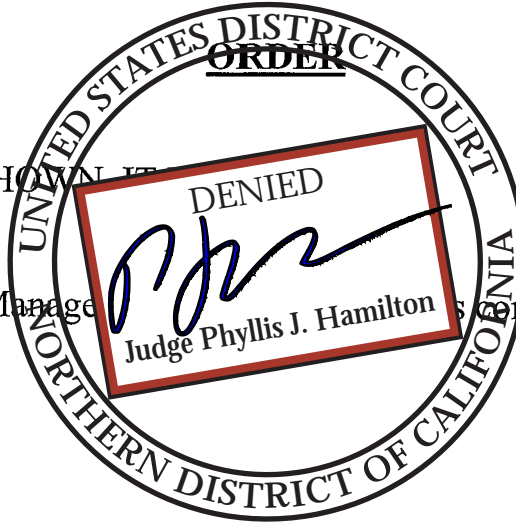
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FOR GOOD CAUSE SHOWN IT

1. The Case Management Conference is continued to October 13, 2005 at 2:30 p.m.



Dated: _____

Judge Phyllis J. Hamilton
UNITED STATES DISTRICT COURT

PINNOCK & WAKEFIELD

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And

DOES 1 THROUGH 10, Inclusive

Defendants.

Case No. : C 04-03388 PJH

**PROOF OF SERVICE VIA
FACSIMILE AND UNITED STATES
MAIL**

[Fed.R.Civ.P. 6(e)]

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is 3033 Fifth Avenue, Suite 410, San Diego, California, 92103.

On this date, I served the following documents described as: **EX-PARTE APPLICATION** on all Defendants in this action, by:

X placing _____ the original X a true copy thereof enclosed in sealed enveloped addressed as stated below.

James Hanavan, Esq.
CRAIGIE McCARTHY & CLOW
540 Pacific Avenue
San Francisco, CA 94133
Attorney for DEFENDANTS
VARSHA I PATEL

Hussein Saffouri, Esq.
HANSON BRIDGETT
333 Market Street
San Francisco, CA 94105-2173
PATEL, DAHYABHAI R (TRUSTEE/CONSERVATOR)
PATEL, SHANTABEN D (TRSUTEE/CONSERVATOR, LIVING TRUST)

XXX _____ **BY MAIL:** I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid, mailed at San Diego, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

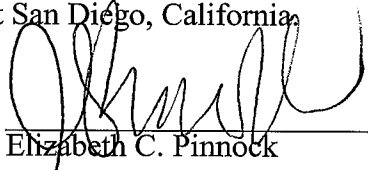
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2 _____ **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to
3 the offices of the addressee.
4

5 _____ **BY FACSIMILE TRANSMISSION:** From FAX No. (619) 858-3646 to the
6 facsimile numbers listed above on the mailing list. The facsimile machine I used complied with
7 Rule 6 (e), and no error was reported by the machine.
8

9 _____ **STATE:** I declare under penalty of perjury, under the laws of the State of
10 California, that the foregoing is true and correct.
11

12 ☒ **FEDERAL:** I declare that I am employed in the office of a member of the Bar of
13 this Court, at whose direction this service was made.
14

15 **EXECUTED** on August 26, 2005, at San Diego, California
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18 Elizabeth C. Pinnock
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